HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:22318 OF 2007

Dated: 29.10.2007

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Between:

1. District Tribal Welfare Officer,
   Prakasam District and others.

..**Petitioners**

And

G. Vijay Chand ..**Respondent**

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:22318 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioners-authorities aggrieved by an order, dated 6.8.2007 passed by the A.P. Administrative Tribunal in O.A.No.792 of 2005.

The respondent herein is the applicant before the Tribunal. He filed the above O.A., seeking to declare the proceedings in X.No.Dis.31, dated 17.3.2004 issued by the 1st respondent, as illegal and arbitrary and consequently, to direct the respondents to consider the case of the applicant for appointment on compassionate grounds, on the ground that his request for compassionate appointment on the death of his mother, who was working as Hotel Welfare Officer as on the date of her death, was rejected for the reason that the his father was in service as on the date of death of his mother (mother of the applicant) and that his father retired from service on 30.4.2003 within two months after the death of the deceased and hence, the order of rejection is bad in law.

The tribunal having observed that the father of the applicant retired within two months after the death of the deceased and there is no earning member in the family by the relevant date and that the family should not continue to be in penury without an earning member, allowed the O.A. Having aggrieved by the same, the authorities preferred the present writ petition.

Heard the learned G.P. for Services and perused the material available on record.

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It is an undisputed fact that the mother of the applicant died in harness on 26.2.2003 while she was working as Hostel Welfare Officer and that the father of the applicant has retired from service on attaining the age of superannuation on 30.4.2003. The proceedings issued by the 1st respondent goes to show that the request of the applicant was rejected on the ground that the father of the applicant, who was a Government servant, was in service as on the date of death of his mother.

No doubt, the father of the applicant was in service for two months after the death of the deceased-wife, but that cannot be taken as a basis to hold that there is earning member and at the same time, the same cannot be a ground to reject the claim of the applicant.

In this view of the matter and in view of the findings of the tribunal as to the dependency of the applicant, We hold that the order of the tribunal needs no interference. We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 29th October, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:22318 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

29.10.2007

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